

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

In the specification, paragraphs have been amended on pages 14 and 15.

Claim 9 is currently being amended.

Claims 11 through 25 were previously withdrawn.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1 through 10 are now pending in this application.

A. Response to Requirement for Withdrawal of Non-Elected Claims 11-25.

The Office Action requests withdrawal of non-elected claims 11-25. Applicant respectfully notes that the claims were previously withdrawn in the Amendment of January 6, 2004, and remain withdrawn.

B. Response to Objection Concerning Heading for Claim Page.

The requested amendment to the specification has been made.

C. Response to Rejection of Claim 9 under 35 USC Section 112, Second Paragraph.

The Office Action rejects Claim 9 on the basis that the "relationship between the mutant precursor polypeptide and the SEQ ID Nos." is not specified by the claim language reading "[a] mutant pro-neurotrophin precursor polypeptide selected from the group of polypeptides

consisting of SEQ. ID Nos. 2, 4, [etc.]". Applicant submits that the claim clearly identifies the SEQ. ID. Nos. as designating a closed group (group "consisting of") of sequences that code for polypeptides, and that these polypeptides are a group from which the mutant polypeptide claimed is selected. To remove any doubt as to the identity of the polypeptides whose sequences are identified in the claim, the present amendment to Claim 9 identifies those polypeptides as the mutant ones.

Reconsideration and withdrawal of the rejection is therefore respectfully requested.

D. Response to Rejections of Claims 1-8 and 10 Under 35 USC Section 112, First Paragraph.

Claims 1-8 and 10 are rejected separately for, *inter alia*, lack of enablement and lack of written description. Both grounds of rejection are based on the assertion that inadequate teaching is provided in the specification for one in the art to know where the cleavage site of the proteins specified in the claims is located, and "whether either at a position 8 amino acids or 4 amino acids upstream of said cleavage site would be an asparagine that can be substituted with a basic residue, such as a serine."

Applicant respectfully disagrees. The cleavage sites for each of the molecules identified in the claims are known in the art (see, e.g., Specification at page 2, line 28 through page 3, line 11). These molecules (including all variants and isotypes thereof) are highly homologous, including at the glycosylation site of the pre-pro region targeted in the invention. (Specification at page 2, lines 15-27). Moreover, the structure of the cleavage sites and pre-pro regions of these molecules is specifically identified in the Specification: at page 2, lines 24-27; in SEQ.ID. Nos. 1-6; and at page 5, line 21 through page 6, line 33 of the Specification, in which the cleavage site and N-glycosylation sites targeted are indicated by underlining.

Furthermore, with respect to the substitution of asparagine for serine in the targeted N-glycosylation site, this substitution is not only achievable, it was achieved and is shown in the

Specification by SEQ.ID. Nos. 1-6, and illustrated further at page 4, 5, line 21 through page 6, line 33 of the Specification.

Hence, the material identified in the Office Action as missing from the disclosure is, in fact, explicitly present therein. The invention as claimed is therefore both fully described and enabled.

Reconsideration and withdrawal of the rejection of Claims 1-8 and 10 is respectfully requested.

#### CONCLUSION

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Respectfully submitted,

Date

4-7-2005

FOLEY & LARDNER LLP  
Customer Number: 30542  
Telephone: (858) 847-6720  
Facsimile: (858) 792-6773

By

Stacy L. Taylor

Stacy L. Taylor  
Attorney for Applicant  
Registration No. 34,842